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Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts

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Report of the Secretary-General

Summary

The present report is submitted pursuant to paragraph 11 of General Assembly resolution 65/29. Eighteen Member States and the International Committee of the Red Cross transmitted to the Secretary-General the information requested by the Assembly in that resolution. A list of States parties to the Additional Protocols of 1977 is contained in the annex.

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I. Introduction

1. In paragraph 11 of resolution 65/29, the General Assembly requested the Secretary-General to submit to it at its sixty-seventh session a report on the status of the Additional Protocols relating to the protection of victims of armed conflicts and on measures taken to strengthen the existing body of international humanitarian law, inter alia, with respect to its dissemination and full implementation at the national level, based on information received from Member States and the International Committee of the Red Cross (ICRC).

2. Pursuant to that request, the Secretary-General, by notes verbales dated 7 February 2011 and 2 April 2012 and letters dated 16 December 2010 and 29 March 2012, invited Member States and ICRC to transmit to him by 1 June 2012 the information requested for inclusion in the present report.

3. Replies have been received from the following States: Austria, Colombia, Democratic Republic of the Congo, El Salvador, Finland, Greece, Kenya, Lebanon, Lithuania, Madagascar, Nicaragua, Oman, Paraguay, Peru, Poland, Spain, Syrian Arab Republic and United Kingdom of Great Britain and Northern Ireland, as well as from ICRC. Extracts of the replies are contained in sections II and III of the present report. The full texts of the replies are available on the website of the Sixth Committee of the General Assembly (www.un.org/ga/sixth).

4. The list of all States that are parties to the Additional Protocols[1] of 1977 to the Geneva Conventions of 1949[2] as at 1 June 2012 is contained in the annex to the present report.

II. Information received from Member States

Austria

At the thirty-first International Conference of the Red Cross and Red Crescent, held in November 2011, the Government of Austria made the following pledges, partly in cooperation with the Austrian Red Cross:

- To explore and identify concrete ways and means to strengthen the application of international humanitarian law, including the question of implementation mechanisms
- To support Switzerland to conduct discussions with the High Contracting Parties on the means and measures that would render the International Humanitarian Fact-Finding Commission more operational
- To promote the universalization of the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction (Ottawa Convention on Landmines) and its implementation
- To promote the universalization of the Convention on Cluster Munitions
- To organize seminars on international humanitarian law for university students, journalists and other opinion leaders

[1] United Nations, *Treaty Series*, vol. 1125, Nos. 17512 and 17513.
[2] Ibid., vol. 75, Nos. 970-973.

- To commemorate the 150th anniversary of the adoption of the original Geneva Convention in the year 2014
- To organize a follow-up conference to the European Leadership Conference on Exploring Humanitarian Law, held in Vienna in 2006
- To integrate "exploring humanitarian law" into the field of active citizenship and human rights education
- To support "Project Xchange" on migration
- To disseminate and implement the rules and principles of International Disaster Response Laws.

Moreover, Austria endorsed the common pledges of the European Union member States.

In June 2009, Austria declared its accession to the Protocol Additional to the Geneva Conventions of 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III).

Colombia

Colombia reported on the constitutional and legal framework for the implementation of the Protocols I and II, including the rulings of its Constitutional Court and current legislation relating to international humanitarian law.

Colombia has carried out significant initiatives to disseminate and implement international humanitarian law:

- The Policy for Combating Impunity promotes ongoing collaboration among institutions involved in the investigation, prosecution and punishment of human rights violations and international humanitarian law offences.
- The specialized training deals specifically with international humanitarian law; relevant information has been posted on the website.
- The National Plan for Human Rights Education provides for the education of Colombians in the areas of human rights, peace and democracy and international humanitarian law standards.

In 2010, the Government of Colombia, the Public Prosecutor's Office, the Office of the Ombudsman, civil society and the international community signed a joint declaration entitled "Towards a comprehensive policy on human rights and international humanitarian law", the aim of which is to support and implement a national policy that specifically includes international humanitarian law.

The national Congress is currently considering the 2010-2014 National Development Plan, an entire chapter of which is devoted to human rights and international humanitarian law. The plan contains significant proposals, including the creation of a national human rights and international humanitarian law system and a national comprehensive policy.

Colombia introduced draft legislation aimed at providing redress for those persons who have suffered harm as a result of a flagrant human rights violation or offence.

In 2008, the Ministry of Defence enacted a comprehensive policy on human rights and international humanitarian law which sets out five key areas: instruction, discipline, defence, assistance and cooperation:

- In 2010, two 120-hour training-of-trainers courses were taught as part of the standard teaching module on human rights and international humanitarian law.
- Curricular training in international humanitarian law is given on an ongoing basis to students of the armed forces in schools and training centres.
- The Ministry of Defence provides extracurricular training on specific topics considered relevant to the current situation. In 2010, the Ministry of Defence trained 3,500 men. Since the comprehensive policy on human rights was launched in 2008, the Ministry of Defence, the armed forces and the national police have conducted some 250 extracurricular training activities, including workshops, seminars, courses and certificates for over 250,000 members of the security services.
- The Ministry of Defence, in collaboration with the Division of Education and Joint Doctrine and with the assistance of ICRC, will hold lessons-learned workshops periodically to analyse the conduct of operations and the application of the principles and standards of international humanitarian law. In 2010, three lessons-learned workshops were held with the assistance of ICRC.
- On the basis of an agreement between the United States Department of Defense and the Colombian Ministry of Defence, the Division of Education and Joint Doctrine, together with the Ministry of Defence, is spearheading the creation of a joint lessons-learned system.
- The School for Human Rights and International Humanitarian Law was founded in 2009 for officers, non-commissioned officers and soldiers of the armed forces. Since its establishment, the school has carried out various initiatives, including three international humanitarian law conferences.
- The Operational Law Handbook, published in 2009, incorporates obligations derived from international humanitarian law conventions and national legislation.
- The armed forces have offered various training courses specifically aimed at lawyers, with a view to further developing their legal and operational knowledge.
- The Ministry of Defence, together with the armed forces, is considering a project aimed at reviewing the status of incorporation of international humanitarian law in operational doctrine, skills development, instruction and training of the security services.
- The Ministry of Defence has taken a number of specific measures in respect of vulnerable groups, including women, children, displaced persons, accused persons, human rights defenders, victims of enforced disappearance and beneficiaries of interim and temporary measures. Relevant legislation was passed.

With regard to international cooperation, a number of steps have been taken to reach agreements on inter-institutional collaboration, training and the granting of

resources, with a view to ensuring the adequate protection of human rights and strict compliance with international humanitarian law standards. The following has thus been achieved:

- Liaison with the Colombian Office of the United Nations High Commissioner for Human Rights (OHCHR); implementation of an agreement between the Ministry of Defence and OHCHR
- Liaison with ICRC
- Cooperation with the justice authorities
- Cooperation with the United States of America

Democratic Republic of the Congo

The Democratic Republic of the Congo reported on relevant current national legislation and on the main statutory measures required with regard to Protocols I and II:

- A legislative proposal on protection of the Red Cross emblem was filed with the office of the National Assembly in 2010.
- There is a law dated 10 January 2009 establishing a child protection code and a decree-law on the demobilization and reintegration of vulnerable groups participating in fighting forces.

The Democratic Republic of the Congo, which has not ratified Protocol III, is now considering the issue with a view to future accession.

El Salvador

The Inter-Agency Committee on International Humanitarian Law of El Salvador was established in 1997 and served as an advisory body to the Government on measures for implementing and promoting the international humanitarian law conventions and protocols.

El Salvador ratified all the provisions of the two Protocols additional to the Geneva Conventions as well as Protocol III, published in the Official Gazette in 2007.

El Salvador also signed and subsequently ratified in 2001 the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict and ratified in March 2001 the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, along with its two Protocols.

The Inter-Agency Committee will evaluate the possibility of making a declaration which will permit El Salvador to avail itself, where applicable, of the services of the International Fact-Finding Commission in accordance with the provisions of article 90 of Protocol I.

In addition, with respect to the obligation to ensure the wide dissemination of international humanitarian law, the Inter-Agency Committee has been providing information to various sectors of the population on international humanitarian law

and its implementation during armed conflicts, and has for that purpose held training sessions and review programmes for civil and military authorities, interested institutions and the general public.

In 2011, the Inter-Agency Committee, in coordination with ICRC, held a regional seminar at which national international humanitarian law committees discussed the protection of cultural property in situations of armed conflict.

The Committee has incorporated technical information on international humanitarian law into the country's elementary-school textbooks. In 2007, a page on international humanitarian law designed for schoolchildren was published in one of the largest national newspapers.

The draft reforms of the Penal Code that are currently being prepared are intended to incorporate war crimes into that body of law.

Finland

Finland has ratified the Protocols Additional to the Geneva Conventions of August 1949. In 2009, Finland ratified Protocol III and concurrently passed an act on the implementation of the Protocol.

The Ottawa Convention on Landmines will enter into force for Finland on 1 July 2012. Finland will destroy its anti-personnel landmines by 2016.

Finland recognized the competence of the International Humanitarian Fact-Finding Commission on 7 August 1980 and is financially supporting the work of the Commission.

Finland ratified the Rome Statute of the International Criminal Court in 2000 and continues to be a strong political and financial supporter of the Court, Court-related projects and other major initiatives aimed at ending impunity. Finland has also provided financial support to the Court's Trust Fund for Victims.

In 2008, the Criminal Code was amended to enable national courts to be fully able to exercise jurisdiction over crimes within the jurisdiction of the Court.

At the thirty-first International Conference of the Red Cross and Red Crescent in 2011, Finland committed to 13 specific pledges, including a pledge to renew the national publication on the Geneva Conventions and the principal international humanitarian law instruments, as well as customary international humanitarian law.

The Government financially supports the international humanitarian law dissemination activities of the Finnish Red Cross. The Finnish Red Cross engages in international humanitarian law dissemination in relation to a number of target groups, which include political decision makers, the armed forces, State civil servants and the general public. It carries out dissemination through training, seminars, publications, a Finnish-language international humanitarian law website and general advocacy work. The Finnish National Committee on International Humanitarian Law continues to meet regularly to reflect on issues pertaining to the implementation of international humanitarian law and brings together representatives from different branches of Government, the Finnish Red Cross, non-governmental organizations and academia.

The Finnish Defence Forces provide education and international humanitarian law training to conscripts, officers and personnel participating in crisis management operations. Additionally, officers and other personnel take part in courses organized by the Finnish Red Cross in Finland and courses organized by the International Institute of International Humanitarian Law, and others, abroad. Issues related to international humanitarian law are also included in military exercises. Consequently, all levels of personnel of the Finnish Defence Forces are trained in international humanitarian law. The Defence Command is currently drafting new international humanitarian law training materials for military personnel, conscripts and crisis management personnel. The Defence Forces train and employ legal advisers.

Greece

Greece is a party to the three Additional Protocols. It ratified Protocol I in 1988, Protocol II in 1992 and Protocol III in 2009. Greece has made a declaration under article 90 of Protocol I recognizing the competence of the International Fact-Finding Commission.

In 2010, Greece enacted new legislation concerning its armed forces, which provides, inter alia, for the establishment of a body of legal advisers in the armed forces, thus ensuring the compliance of Greek legislation with the requirements of article 82 of Protocol I.

Greece has supported the International Criminal Tribunals for the Former Yugoslavia and Rwanda, the Special Court for Sierra Leone, the International Criminal Court and the amendments to the Rome Statute made at the Review Conference held in Kampala. In 2011, Greece adopted domestic legislation for the implementation of the Rome Statute. Special provisions of substantive penal law define the crimes covered by the new law in accordance with the Statute (genocide, crimes against humanity, war crimes against persons, war crimes against property and other rights).

In 2005, it also ratified the Second Protocol to the Hague Convention of 1954 for the Protection of Cultural Property in the Event of Armed Conflict. Furthermore, Greece participates in the Committee for the Protection of Cultural Property in the Event of Armed Conflict established under the Second Protocol, and has actively participated in the elaboration of the Guidelines for the implementation of the Second Protocol. Greece has also established a National Advisory Committee for the implementation of the Hague Convention of 1954 and its two Protocols.

Greece has a National Committee for the Implementation and Dissemination of International Humanitarian Law, which functions under the auspices of the Ministry of Foreign Affairs. The Committee operates as a consultative body in matters concerning the implementation of international humanitarian law, promotes and disseminates international humanitarian law in Greek society through various means (seminars, informational events) and follows international developments in the field of international humanitarian law. In May 2009, the Committee organized, with great success, the first training course on international humanitarian law aimed at training Government officials, members of the armed forces and students of military academies, as well as postgraduate university students, police officers and members of non-governmental organizations to demonstrate the practical implementation of international humanitarian law.

International humanitarian law is taught in the military training academies and members of the armed forces often participate in national and international training seminars and conferences on international humanitarian law.

International humanitarian law forms a part of the curriculum of the National Police Academy, the School of National Security, secondary education and the law schools of Greek universities.

Kenya

Kenya's military manual notes that in order for international humanitarian law to be respected and promoted it must be disseminated, as it can only be respected if it is known. All members of a fighting force within Kenya must undergo training to ensure the enforcement of existing rules of international humanitarian law at all levels of the military hierarchy.

Kenya signed the Convention on Cluster Munitions in 2008. The process of ratification is still ongoing. Kenya attended the International Conference on the Convention on Cluster Munitions held in Santiago in June 2010, where it emphasized the importance of international cooperation and assistance in ensuring the completion of stockpile destruction. It participated in the Africa Regional Conference on the Universalization and Implementation of the Convention on Cluster Munitions held in Pretoria in March 2010, where it chaired a session on the status of the Convention in Africa and urged participating States to ratify it without delay. Kenya also attended the Berlin Conference on the Destruction of Cluster Munitions in June 2009.

Kenya established a National Committee on the Implementation of International Humanitarian Law to coordinate and monitor the dissemination of international humanitarian law and its implementation at the national level and to advise the Government of Kenya on international humanitarian law issues and instruments that need to be ratified, among others. The Committee is composed of stakeholders from Defence, Internal Security and the Police and a representative of ICRC, among other important institutions. The Committee works closely with ICRC.

Lebanon

By virtue of the Law of 28 February 1997, Lebanon is authorized to become a party to the Protocols Additional to the Geneva Conventions of 1949. The requirement to implement the provisions of the Additional Protocols takes precedence over ordinary law.

International humanitarian law is a basic component of the curricula of military schools and academies at all levels. Annual courses on the topic have been organized for officers, and conferences and seminars have been held for various military units.

In 2009, the Army Command under the Ministry of Defence established an Office of International Humanitarian Law and Human Rights. Its functions include examining all treaties and conventions signed by Lebanon concerning international

humanitarian law and international human rights law, and incorporating them into the work of the army.

Lithuania

Lithuania is a State party to all major instruments of international humanitarian law, including the Geneva Conventions of 1949 and the 1977 Additional Protocols (ratified in 2000).

Lithuania declared that it recognized ipso facto and without special agreement the competence of the International Fact-Finding Commission in accordance with article 90 of Protocol I.

In 2001, the representative of Lithuania was elected as a member of the International Fact-Finding Commission.

The Ministry of National Defence is responsible for the coordination of the implementation of international humanitarian law.

The Commission on the Implementation of International Humanitarian Law was established in 2001 as an advisory body to the Minister of National Defence. The objectives of the Commission are:

- To carry out an analysis of the situation regarding the implementation of international humanitarian law
- To submit proposals on international humanitarian law to the leadership of the Ministry of Defence and the armed forces, among others
- To disseminate information on international humanitarian law
- To initiate or provide assistance in arranging courses, workshops, seminars or conferences on issues regarding international humanitarian law

Lithuania is a State party to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects as well as to all its Protocols and amended article 1.

At the Fourth Review Conference of the States Parties to the Convention, held in Geneva in 2011, Lithuania was elected Vice-President of the Conference and Vice-Chair of Main Committee II. As at the end of 2011, the explosive ordnance disposal platoon of the Lithuanian armed forces had checked and cleaned over 70 hectares of polluted ground and found over 10,500 pieces of explosive ordnance.

Lithuania is a State party to the Ottawa Convention on Landmines. At the Tenth Meeting of the States Parties to the Convention, held in 2010, Lithuania was appointed Co-Chair of the Standing Committee on Stockpile Destruction.

Lithuania signed the Convention on Cluster Munitions on 3 December 2008 at the signing conference in Oslo. The Lithuanian Parliament ratified the Convention on 16 December 2010.

In 2007, the Lithuanian Parliament ratified Protocol III to the Geneva Conventions. Subsequently, all necessary amendments to related national legislation

were adopted in order to fully implement the Protocol. Practical measures to protect the emblems have been taken by the Lithuanian Red Cross Society.

Lithuania is a State party to the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict and its Protocols. From 2005 to 2011, Lithuania was a member of the Committee for the Protection of Cultural Property in the Event of Armed Conflict.

The Commission on the Implementation of International Humanitarian Law collects information regarding education and advises on inclusion of international humanitarian law subjects into the educational programmes of all levels of military personnel and in the education curricula for police personnel and secondary schools, among others.

The Ministry of National Defence and the Lithuanian armed forces provide international humanitarian law and international human rights law training to their military personnel assigned to participate in international operations. Lithuania also sends its military and civil personnel to international courses on international humanitarian law.

Courses in international humanitarian law are given in the law faculties of the leading universities as well as in the Institute of International Relations and Political Science.

The Commission has a web page on the website of the Ministry of National Defence (www.kam.lt) where it publishes information about its activities and the texts of all the international humanitarian law treaties to which Lithuania is a party.

In 2010, a Handbook for Commanders on principles and rules of international humanitarian law was published.

The Lithuanian Red Cross Society is actively involved in dissemination of international humanitarian law. During 2011, lectures and seminars (about 397 overall) on various international humanitarian law issues as well as the principles and values of the Red Cross were organized in universities, colleges, schools and other institutions. Civil society representatives also participated in the international military exercise "Amber Hope 11".

The Lithuanian Criminal and Administrative Offences Codes and the Statute on Military Discipline impose respectively the criminal, administrative or disciplinary penalties for a breach of the rules of international humanitarian law.

The ratification of the Rome Statute of the International Criminal Court has been fully completed.

Madagascar

Madagascar is party to the following protocols:

- Protocols I and II to the Geneva Conventions of 1949 (ratified in 1992)
- Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (ratified in 2004)

With regard to the competence of the International Fact-Finding Commission to inquire into allegations in the event of armed conflict, the opportunity for such a

declaration has not arisen, owing to the fact that Madagascar has not experienced an armed conflict since becoming party to the Protocol.

Preparations to ratify the Convention for the Protection of Cultural Property in the Event of Armed Conflict have been included in the activities of the National Commission for the Implementation of International Humanitarian Law. Various activities are under way to provide for the dissemination and full application of international humanitarian law, including:

- Awareness-raising workshops in Toamasina and in Mahajanga (2011)
- Presentations to raise international humanitarian law awareness, to be held at the police camp in Antanimora and at the Technical and Economic Information Centre in Ambatonakanga (2011)

Finally, continuing international humanitarian law education is being provided to members of the armed forces by the Ministerial International Humanitarian Law Committee, which is part of the relevant department.

Nicaragua

The primary function of the National Commission for the Implementation of International Humanitarian Law is to advise and assist the Government on all matters relating to the signature and ratification of, or accession to, international humanitarian law treaties, their incorporation into domestic law and the dissemination of their provisions. The Commission is presided over by the Ministry of Foreign Affairs.

The Commission consists of the Presidency (the Ministry of Foreign Affairs), the Vice-Presidency (the Ministry of Defence) and a permanent secretariat (the Nicaraguan Red Cross), in addition to various Government institutions and public and private universities representing civil society.

The Commission has subcommissions on legislation and on the protection of cultural property.

Lectures on international humanitarian law are organized, designed for universities and for the staff of the institutions that are members of the Commission.

The Commission designed a website which provides information on general aspects of the Commission and its activities and documents which refer to international humanitarian law.

Nicaragua is a party to many international instruments relevant to international humanitarian law, including in such areas as protection of the victims of armed conflicts, cultural property, the environment, international criminal law and prohibitions or restrictions on the use of certain weapons.

Nicaragua has been a party to the first two Protocols Additional to the Geneva Conventions since 19 July 1999 and recently ratified Protocol III.

At present, the use and protection of the Red Cross emblem is regulated by Act No. 418, entitled "Act on the protection and use of the Red Cross name and emblem", adopted on 26 February 2002 and issued in the Official Gazette in that year. The adoption of this law was one of the Commission's first achievements.

Nicaragua is not yet a party to the International Convention for the Protection of All Persons from Enforced Disappearance of 20 December 2006. Currently, the National Commission for the Implementation of International Humanitarian Law is studying this instrument with a view to promoting its incorporation into national legislation.

Nicaragua, although it is not yet a party to the Rome Statute of the International Criminal Court, has already expressed its firm resolve to combat the crimes that fall within the competence of the Court and has already incorporated into its domestic legislation all the war crimes envisaged in the Statute.

In the context of the commitment to the protection of cultural property, it should be noted that the Criminal Code, which was recently adopted, includes articles which penalize acts of destruction of cultural property in situations of armed conflict, as well as acts relating to the use of cultural property which is under enhanced protection.

Nicaragua will continue to stress to the international community the importance of maintaining the momentum towards the goal of general and complete disarmament, including not only nuclear weapons, but also conventional weapons of mass destruction, which violate the fundamental international humanitarian law principles. In this regard, the National Commission for the Implementation of International Humanitarian Law has played a very limited role because Nicaragua has already ratified the relevant instruments; however, work needs to be carried out on their dissemination.

The national programme for humanitarian mine clearance in Nicaragua came to an end in June 2010.

The implementation and follow-up of the Cartagena Action Plan 2010-2014, adopted at the Second Review Conference of the States Parties to the Ottawa Treaty on Landmines, is being carried out by the national mine clearance commission in respect of assistance to victims.

Nicaragua signed the Convention on Cluster Munitions on 3 December 2008 and ratified that commitment on 2 November 2009 and the commitment on training and the dissemination of international humanitarian law.

Oman

The Sultanate's Armed Forces are moving forward in strengthening the existing body of international humanitarian law and protecting the victims of armed conflicts; this is clear in the recently issued Military Justice Act, in accordance with international humanitarian law and the international conventions signed by the Sultanate of Oman.

With respect to the involvement of children in armed conflicts, the recruitment policy in the armed forces does not permit any person to serve in the military before the age of 18.

Among the measures taken to disseminate and apply the law, the organization of training and education courses for students at colleges and schools and in military training centres, as well as sending the concerned persons and specialists abroad to

attend forums, conferences and courses held in the field of international humanitarian law, may be mentioned.

Paraguay

The Republic of Paraguay has been a party to the Geneva Conventions of 1949 since 1961. In 1990, it ratified Protocols I and II to the Conventions; in 2008, it ratified Protocol III.

The interministerial Committee for the Study and Application of International Humanitarian Law, which was set up in 1995, is responsible for the implementation and dissemination of international humanitarian law in Paraguay. It comprises representatives of the Ministries of Defence, Foreign Affairs, Justice and Labour and the Interior and an observer from the Paraguayan Red Cross. The Commission is a consultative body for the dissemination and implementation of international humanitarian law.

Paraguay has ratified most international instruments concerning international humanitarian law. Although it has not yet ratified the International Convention for the Protection of All Persons from Enforced Disappearance or the Convention on Cluster Munitions, it has begun the ratification process for both instruments.

Paraguay recognizes, ipso facto and without special agreement, in relation to any other High Contracting Party accepting the same obligation, the competence of the International Fact-Finding Commission to inquire into allegations by such other party.

As regards punishment of war crimes, the Paraguayan Criminal Code provides penalties for several of the offences outlined in the Geneva Conventions and the Additional Protocols. In addition, a bill concerning implementation of the Rome Statute is nearing completion.

Paraguay has ratified the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.

The Department of International Humanitarian Law of the Ministry of Defence, together with the Committee for the Study and Application of International Humanitarian Law, has drawn up a draft decree which states that, in the event of an armed conflict, the Department of Legal Affairs, Human Rights and International Humanitarian Law of the Ministry of Defence shall assume the functions of National Information Office.

As regards cultural property, Paraguay has ratified the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict and the two Protocols.

Members of the armed forces at every level receive ongoing training in international humanitarian law. In addition, military personnel receive special training prior to being sent on a peacekeeping mission.

Several law faculties have introduced international humanitarian law into the curriculum; seminars and conferences are also organized.

A handbook, entitled Soldier's Guide, outlines the basic principles of human rights and international humanitarian law in Spanish and Guaraní.

ICRC has helped organize a variety of courses and seminars on international humanitarian law.

Peru

Various laws concerning international humanitarian law have been enacted in the Peruvian legal system.

Since 2006, the Peruvian National Commission for the Study and Implementation of International Humanitarian Law has been holding the "Miguel Grau" course on international humanitarian law. The fifth Miguel Grau course was held from 17 to 21 May 2010, with "The use of force" as its central theme. Various social actors attended the course, including officials from State institutions, members of the armed forces and national police, judges, prosecutors, members of civil society and representatives of the Office of the Ombudsman.

In 2010, the Commission organized a workshop for media professionals to provide basic tools within the framework of international humanitarian law for media coverage of the various situations of violence that could arise.

A conference entitled "Introduction and basic principles of international humanitarian law and the jurisdictional function", featuring a number of high-level speakers, was held in 2010 under the institutional cooperation agreement concluded between the Lima Bar Association and the Commission.

The Commission organized two round tables in 2009, with the aims of: (a) creating a forum to facilitate information exchange and synergies among, exclusively, authorities, forensic experts and human rights experts, with regard to the remaining challenges faced in the search for people reported missing in the period 1980-2000; and (b) identifying the main difficulties encountered in the scope of activity of the authorities and/or experts working in the field, with a view to submitting this analysis to the main authorities responsible in order for them to take whatever action they deemed necessary.

In 2009, the Commission, in conjunction with the Regional Institute for Peace of Tingo María (Department of Huánuco), organized a seminar on "The need to protect individuals in situations of armed conflict and other situations of internal violence".

A Peruvian delegation attended the Special Meeting on International Humanitarian Law convened by the Committee on Juridical and Political Affairs of the Permanent Council of the Organization of American States in 2010.

A conference of all the national committees on international humanitarian law of Latin America and the Caribbean, convened by ICRC, took place in Mexico City in 2010. The National Commission for the Study and Implementation of International Humanitarian Law represented Peru at this conference and presented the progress made by the Peruvian State in implementing international humanitarian law.

Poland

Poland undertook numerous initiatives aimed at adapting Polish law to the requirements of international humanitarian law, in particular by passing a substantial reform of the Criminal Code and ratifying Protocol III to the Geneva Conventions of 1949. In 2011 the Commission for International Humanitarian Law of the Government of the Republic of Poland adopted the Report on the Implementation and Dissemination of International Humanitarian Law in the Republic of Poland. The report comprehensively illustrates various activities in the field of implementation, development and dissemination of international humanitarian law. It contains information on international agreements binding upon the Republic of Poland in the field of international humanitarian law, as well as on the implementation of different aspects of this law in the Polish legal order. In addition, the report reflects on the principles of special protection of certain categories of persons, such as prisoners of war, internees, repatriates and medical and religious personnel, as well as on the principles of special protection of specific categories of locations and premises that are to be protected against the impact of hostilities, namely, cultural property, hospitals, graves and the natural environment. The report also includes information on the numerous initiatives undertaken by the Ministry for National Defence, the Ministry of Education and the Polish Red Cross in the field of dissemination of and education about international humanitarian law. The text of the report, in English and Polish, can be found on the official website of the Ministry of Foreign Affairs (www.msz.gov.pl).

Spain

The specific characteristics of the Guardia Civil, as a military police body, allow it both to intervene alongside the armed forces during the initial phases of a conflict and, later, to ensure stability, security and development as a civilian police force.

Potential actions that the Guardia Civil could take in order to protect victims of armed conflict include:

- Monitoring and verification of, inter alia, international agreements for ceasefires, prisoner exchanges and retrieval of the dead
- Providing policing and human rights instruction and technical training to local security forces
- Investigating war crimes
- Providing security and protection: escort and care of victims
- Maintaining security and public order
- Providing assistance to victims and civil defence in disaster situations

The Guardia Civil has a successful record of investigation during missions of the International Police Task Force, the European Union Police Mission in Bosnia and Herzegovina, the International Commission against Impunity in Guatemala, the United Nations Interim Administration Mission in Kosovo and the United Nations Integrated Mission in Timor-Leste and of cooperation with the International

Criminal Court (in connection with Kosovo), the International Tribunal for the Former Yugoslavia and the Special Tribunal for Lebanon.

Syrian Arab Republic

The National Committee for International Humanitarian Law was established pursuant to Prime Minister's Decree No. 2989 of 2004. It is chaired by the Minister of State for Red Crescent Affairs and its members include representatives of the Ministries of Justice, the Interior, Defence, Foreign Affairs and Higher Education; the Syrian Arab Red Crescent; and the Directorate of Civil Defence. The mandate of the Committee is to implement the provisions of international humanitarian law.

The activities undertaken by the Committee are, at the national level, activating measures for the implementation of international humanitarian law and, at the regional level, partnering with regional groups active in the sphere of international humanitarian law. With regard to training, the Committee organizes:

- Regular courses for the training of police officer and army trainers on the implementation of international humanitarian law
- Training courses for judges, members of the People's Assembly, doctors, heads of department in faculties of law and certain media personnel
- Workshops on international humanitarian law for diplomats and the staff of the Ministry of Foreign Affairs, in cooperation with ICRC

The Syrian Arab Republic ratified the four Geneva Conventions of 1949 in 1953. It ratified Protocol I in 1983 and is continuing to study the extent to which it may accede to the provisions of Protocol II.

United Kingdom of Great Britain and Northern Ireland

Since the United Kingdom's last contribution to this exercise in 2008, it has passed the necessary legislation and ratified Protocol III.

The United Kingdom is a party to Protocol I and has made a declaration provided for under article 90 of that Protocol regarding the International Humanitarian Fact-Finding Commission. The United Kingdom would consider making use, where appropriate, of the Commission in accordance with the provisions of article 90 of Protocol I and has worked to encourage others to make the appropriate article 90 declaration.

The United Kingdom has committed to becoming a party to the Convention for the Protection of Cultural Property in the Event of Armed Conflict and its two Protocols. A draft of the necessary legislation, the Cultural Property (Armed Conflicts) Bill, is in a good state of readiness but a slot needs to be found in the legislative programme.

International humanitarian law has been included in the national curriculum for secondary schools in England. The curriculum authorities in the other parts of the United Kingdom are encouraged to include international humanitarian law in their own schools' curriculum and the United Kingdom will continue to work closely with the British Red Cross Society, in recognition of its special status as an

auxiliary to the Government in the humanitarian field, to promote awareness of British Red Cross humanitarian education programmes. The United Kingdom offers general international humanitarian law training to governmental policy and legal advisers in addition to ad hoc events and training as required. The United Kingdom also provides information on relevant international humanitarian law issues to the media in connection with events current at the time, including armed conflicts.

Last year the Foreign and Commonwealth Office and the British Red Cross Society held a joint conference to commemorate the sixtieth anniversary of the adoption of the Geneva Conventions of 1949. This led to a subsequent public consultation and publication of an action plan. Linked to this anniversary was a joint British Red Cross-British Institute of International and Comparative Law lecture series, for which the United Kingdom Government provided some financial support.

All United Kingdom servicemen and -women are instructed in the relevant aspects of international humanitarian law. It is a key element of training given to peacekeeping troops from around the world. The United Kingdom Ministry of Defence has published a Manual on Law of Armed Conflict. Relevant aspects of international humanitarian law are also covered as part of predeployment training for all service personnel. Each service will deploy lawyers to operational theatres where there is a requirement to do so; when deployed, the lawyers will advise on all legal issues and provide refresher training where practicable.

Under the Armed Forces Act 2006 service personnel are subject to English criminal law wherever they are serving. This enables those who commit war crimes to be punished. The United Kingdom continues, in addition, to contribute to activities carried out by the European Union to encourage States to become party to the Rome Statute of the International Criminal Court and to put in place legislation to give the Statute effect.

An investigation is required in every instance where the action of British service personnel may have led directly to the death or injury of civilians in a theatre of operation.

Earlier this year, the United Kingdom Parliament enacted the Geneva Conventions and United Nations Personnel (Protocols) Act 2009. This Act will enable the United Kingdom to become party to two international agreements: Protocol III to the Geneva Conventions of 1949 and the Optional Protocol to the Convention on the Safety of United Nations and Associated Personnel. The former has recently been ratified by the United Kingdom and arrangements are in hand to enable the United Kingdom to accede to the latter. The United Kingdom also ratified the 2008 Convention on Cluster Munitions. In recent months a national strategy on the protection of civilians in armed conflict has also been launched. The United Kingdom also participated in further discussions hosted by ICRC concentrating on future challenges to the Geneva Conventions.

The United Kingdom has provided funding for the International Criminal Court legal tools database which enables other countries to learn from the experiences of others in implementing legislation to tackle serious breaches of international humanitarian law.

The United Kingdom established a National Committee on International Humanitarian Law in 1999. The Committee has met annually to develop further and disseminate understanding of international humanitarian law policy and practice

nationally and to discuss ways to encourage international partners to do likewise, particularly within the Commonwealth. The Committee played a leading role at the Second Meeting of Commonwealth National International Humanitarian Law Committees held in New Delhi in 2009. The United Kingdom has also promoted the formation of national international humanitarian law committees and has offered practical assistance to those wishing to do so.

The United Kingdom signed the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict in 2000. It was ratified in 2003. However, the United Kingdom understands that article 1 of the Optional Protocol would not exclude the deployment of members of its armed forces under the age of 18 to take a direct part in hostilities where: (a) there is a genuine military need to deploy their unit or ship to an area in which hostilities are taking place; and (b) by reason of the nature and urgency of the situation it is not practicable to withdraw such persons before deployment or to do so would undermine the operational effectiveness of their ship or unit, and thereby put at risk the successful completion of the military mission and/or the safety of other personnel.

III. Information received from international organizations

International Committee of the Red Cross

In 2010, ICRC launched its online customary international humanitarian law database and continues to update it with State and international practice underlying its 2005 study on customary international humanitarian law.

In 2011, ICRC participated in a panel discussion of the Ministerial Follow-Up Forum on the Paris Commitments to protect children from unlawful recruitment or use by armed forces or armed groups and the Paris Principles and Guidelines on Children Associated with Armed Forces or Armed Groups, hosted by the Permanent Mission of France to the United Nations, the United Nations Children's Fund (UNICEF) and the Office of the Special Representative of the Secretary-General for Children and Armed Conflict. ICRC launched in New York a new ICRC resource, the guiding principles for the domestic implementation of a comprehensive system of protection for children associated with armed forces or armed groups.

ICRC, as well as the broader International Red Cross and Red Crescent Movement, adopted in 2011 a position on nuclear weapons which includes an appeal to all Governments to ensure that nuclear weapons are never used again.

In 2007, ICRC initiated a project aimed at considering the more salient questions relating to contemporary occupation and other forms of administration of foreign territory. ICRC deems that the law of occupation does not require any further development. Nevertheless, clarification of some of the existing norms is, or may be, desirable.

In 2012, ICRC convened an expert meeting on the use of lethal force in armed conflict situations in order to shed further light on the scope of application of, and interplay between, the conduct of hostilities and law enforcement paradigms in difficult scenarios. An outcome report on the discussions will be published by the end of 2012.

ICRC welcomed the entry into force on 23 December 2010 of the International Convention for the Protection of All Persons from Enforced Disappearance. Most recently, ICRC contributed to the report of the Secretary-General on missing persons due to be issued later in 2012. The thirty-first International Conference of the Red Cross and Red Crescent, which was held in 2011, stressed the importance of missing persons in its Four-Year Action Plan for the Implementation of International Humanitarian Law. ICRC also prepared a report for the Conference which included a comprehensive section on the effective implementation of international humanitarian law treaties. ICRC is conducting and supporting studies on the compatibility of domestic law with international humanitarian law as it affects the issue of missing persons.

ICRC continued its work to promote knowledge of and compliance with the Rome Statute of the International Criminal Court. More specifically, ICRC has worked on the implementation of the complementarity principle of the Court at the national level; ICRC helps countries to implement the complementarity principle in their national legislation and has organized regional and national events to this end.

ICRC is working to provide national authorities with technical assistance for the adoption of legislative, regulatory and administrative measures needed to ensure compliance with international humanitarian law at the national level and its full implementation in domestic law. The Third Universal Meeting of National Committees for the Implementation of International Humanitarian Law was organized in 2010 by the ICRC Advisory Service on International Humanitarian Law. ICRC has put in place a database on national implementation of international humanitarian law for the exchange of information on national implementation measures undertaken by States on international humanitarian law treaties.

The thirty-first International Conference of the Red Cross and Red Crescent took place in Geneva from 28 November to 1 December 2011. Its resolutions on strengthening legal protection for victims of armed conflicts, on the Four-Year Action Plan for the Implementation of International Humanitarian Law and on health care in danger touched on international humanitarian law issues.

In 2008 ICRC initiated an internal study to determine whether, and to what extent, international humanitarian law continues to provide an appropriate response to the humanitarian problems arising in armed conflicts. As a result of consultations on the study, States indicated two priority areas: the protection of persons deprived of liberty, and mechanisms for monitoring compliance with international humanitarian law. The Conference invited ICRC to pursue further research, consultation and discussion in cooperation with States and other relevant actors and to submit a report on a range of options and recommendations for strengthening the law in both of these areas to the thirty-second International Conference in 2015.

Resolution 2 on the Four-Year Action Plan for the Implementation of International Humanitarian Law urges all States parties to the Geneva Conventions and components of the Red Cross and Red Crescent Movement to take specific action to enhance implementation of international humanitarian law in five areas: access by civilian populations to humanitarian assistance in armed conflicts; protection of children, women and persons with disabilities; protection of journalists; incorporation into domestic law of State obligations related to repression of serious international humanitarian law violations; and arms transfers. Regular interaction between ICRC, States and National Societies is planned with a view to

ensuring implementation of the Action Plan until the next International Conference in 2015.

In 2011, ICRC launched the project "Health care in danger". The International Conference called upon ICRC to initiate expert consultations with a view to formulating practical recommendations for making the delivery of health care safer in armed conflicts and other emergencies and to report to the next Conference in 2015 on the progress made.

In accordance with the Rome Statute, the First Review Conference of the Rome Statute took place from 31 May to 11 June 2010 in Kampala. The Conference brought the Statute more into line with the requirements of international humanitarian law by amending its article 8 related to war crimes and, in particular, by adding to the list of war crimes in non-international armed conflicts the use of expanding bullets, asphyxiating or poisonous gases and poison.

Annex

List of States parties to the Additional Protocols of 1977 to the Geneva Conventions of 1949 as at 1 June 2012[a]

State	*Date of ratification, accession or succession*
Afghanistan	10 November 2009
Albania	16 July 1993
Algeria[b,c]	16 August 1989
Angola (Protocol I only)[b]	20 September 1984
Antigua and Barbuda	6 October 1986
Argentina[b,c]	26 November 1986
Armenia	7 June 1993
Australia[b,c]	21 June 1991
Austria[b,c]	13 August 1982
Bahamas	10 April 1980
Bahrain	30 October 1986
Bangladesh	8 September 1980
Barbados	19 February 1990
Belarus[c]	23 October 1989
Belgium[b,c]	20 May 1986
Belize	29 June 1984
Benin	28 May 1986
Bolivia (Plurinational State of)[c]	8 December 1983
Bosnia and Herzegovina[c]	31 December 1992
Botswana	23 May 1979
Brazil[c]	5 May 1992
Brunei Darussalam	14 October 1991
Bulgaria[c]	26 September 1989
Burkina Faso[c]	20 October 1987
Burundi	10 June 1993

State	*Date of ratification, accession or succession*
Cambodia	14 January 1998
Cameroon	16 March 1984
Canada[b,c]	20 November 1990
Cape Verde[c]	16 March 1995
Central African Republic	17 July 1984
Chad	17 January 1997
Chile[c]	24 April 1991
China[b]	14 September 1983
Colombia (Protocol I)[c]	1 September 1993
(Protocol II)	14 August 1995
Comoros	21 November 1985
Congo	10 November 1983
Cook Islands[c]	7 May 2002
Costa Rica[c]	15 December 1983
Côte d'Ivoire	20 September 1989
Croatia[c]	11 May 1992
Cuba (Protocol I)	25 November 1982
(Protocol II)	23 June 1999
Cyprus (Protocol I)[c]	1 June 1979
(Protocol II)	18 March 1996
Czech Republic[c]	5 February 1993
Democratic People's Republic of Korea (Protocol I only)	9 March 1988
Democratic Republic of the Congo (Protocol I)[c]	3 June 1982
(Protocol II)	12 December 2002
Denmark[b,c]	17 June 1982
Djibouti	8 April 1991
Dominica	25 April 1996
Dominican Republic	26 May 1994

State	*Date of ratification, accession or succession*
Ecuador	10 April 1979
Egypt[b]	9 October 1992
El Salvador	23 November 1978
Equatorial Guinea	24 July 1986
Estonia[c]	18 January 1993
Ethiopia	8 April 1994
Fiji	30 July 2008
Finland[b,c]	7 August 1980
France (Protocol I)[b]	11 April 2001
(Protocol II)[b]	24 February 1984
Gabon	8 April 1980
Gambia	12 January 1989
Georgia	14 September 1993
Germany[b,c]	14 February 1991
Ghana	28 February 1978
Greece (Protocol I)[c]	31 March 1989
(Protocol II)	15 February 1993
Grenada	23 September 1998
Guatemala	19 October 1987
Guinea[c]	11 July 1984
Guinea-Bissau	21 October 1986
Guyana	18 January 1988
Haiti	20 December 2006
Holy See[b]	21 November 1985
Honduras	16 February 1995
Hungary[c]	12 April 1989
Iceland[b,c]	10 April 1987
Iraq (Protocol I only)	1 April 2010

State	Date of ratification, accession or succession
Ireland[b,c]	19 May 1999
Italy[b,c]	27 February 1986
Jamaica	29 July 1986
Japan[b,c]	31 August 2004
Jordan	1 May 1979
Kazakhstan	5 May 1992
Kenya	23 February 1999
Kuwait	17 January 1985
Kyrgyzstan	18 September 1992
Lao People's Democratic Republic[c]	18 November 1980
Latvia	24 December 1991
Lebanon	23 July 1997
Lesotho[c]	20 May 1994
Liberia	30 June 1988
Libya	7 June 1978
Liechtenstein[b,c]	10 August 1989
Lithuania[c]	13 July 2000
Luxembourg[c]	29 August 1989
Madagascar[c]	8 May 1992
Malawi	7 October 1991
Maldives	3 September 1991
Mali[c]	8 February 1989
Malta[b,c]	17 April 1989
Morocco	3 June 2011
Mauritania	14 March 1980
Mauritius[b]	22 March 1982
Mexico (Protocol I only)	10 March 1983
Micronesia (Federated States of)	19 September 1995

State	*Date of ratification, accession or succession*
Monaco[c]	7 January 2000
Mongolia[b,c]	6 December 1995
Montenegro[c]	2 August 2006
Mozambique (Protocol I)	14 March 1983
(Protocol II)	12 November 2002
Namibia[c]	17 June 1994
Nauru	27 June 2006
Netherlands[b,c]	26 June 1987
New Zealand[b,c]	8 February 1988
Nicaragua	19 July 1999
Niger	8 June 1979
Nigeria	10 October 1988
Norway[c]	14 December 1981
Oman[b]	29 March 1984
Palau	25 June 1996
Panama[c]	18 September 1995
Paraguay[c]	30 November 1990
Peru	14 July 1989
Philippines (Protocol I)[b]	30 March 2012
(Protocol II)	11 December 1986
Poland[c]	23 October 1991
Portugal[c]	27 May 1992
Qatar (Protocol I)[b,c]	5 April 1988
(Protocol II)	5 January 2005
Republic of Korea[b,c]	15 January 1982
Republic of Moldova	24 May 1993
Romania[c]	21 June 1990
Russian Federation[b,c]	29 September 1989

State	*Date of ratification, accession or succession*
Rwanda[c]	19 November 1984
Saint Kitts and Nevis	14 February 1986
Saint Lucia	7 October 1982
Saint Vincent and the Grenadines	8 April 1983
Samoa	23 August 1984
San Marino	5 April 1994
Sao Tome and Principe	5 July 1996
Saudi Arabia (Protocol I)[b]	21 August 1987
(Protocol II)	28 November 2001
Senegal	7 May 1985
Serbia[c]	16 October 2001
Seychelles[c]	8 November 1984
Sierra Leone	21 October 1986
Slovakia[c]	2 April 1993
Slovenia[c]	26 March 1992
Solomon Islands	19 September 1988
South Africa	21 November 1995
Spain[b,c]	21 April 1989
Sudan (Protocol I)	7 March 2006
(Protocol II)	13 July 2006
Suriname	16 December 1985
Swaziland	2 November 1995
Sweden[b,c]	31 August 1979
Switzerland[c]	17 February 1982
Syrian Arab Republic (Protocol I only)[b]	14 November 1983
Tajikistan[c]	13 January 1993
The former Yugoslav Republic of Macedonia[b,c]	1 September 1993
Timor-Leste	12 April 2005

State	*Date of ratification, accession or succession*
Togo[c]	21 June 1984
Tonga[c]	20 January 2003
Trinidad and Tobago[c]	20 July 2001
Tunisia	9 August 1979
Turkmenistan	10 April 1992
Uganda	13 March 1991
Ukraine[c]	25 January 1990
United Arab Emirates[b,c]	9 March 1983
United Kingdom of Great Britain and Northern Ireland[b,c]	28 January 1998
United Republic of Tanzania	15 February 1983
Uruguay[c]	13 December 1985
Uzbekistan	8 October 1993
Vanuatu	28 February 1985
Venezuela (Bolivarian Republic of)	23 July 1998
Viet Nam (Protocol I only)	19 October 1981
Yemen	17 April 1990
Zambia	4 May 1995
Zimbabwe	19 October 1992

[a] The list was provided by Switzerland as Depository of the Geneva Conventions and Additional Protocols. Information was taken from the website of the Swiss Federal Department of Foreign Affairs (www.dfae.admin.ch/depositaire).

[b] Ratification, accession or succession accompanied by a reservation and/or a declaration.

[c] Party which has made the declaration provided for under article 90 of Protocol I.